

REMARKS

Claims 1-21 are currently pending in the present application, with Claims 1-6, 9, 11, and 14-21 being amended. Reconsideration and reexamination of the claims, as amended, are respectfully requested.

The Examiner rejected Claims 1, 9, 16, and 17 under 35 U.S.C. 102(e) as being anticipated by Tinker et al. (U.S. patent no. 6,535,687). This rejection is respectfully traversed with respect to the amended claims.

The present invention is directed to apparatus and method for gradually deteriorating the contents of digital data so as to prevent repeated reproduction of the digital data without authorization. The Examiner has indicated that Claims 2-6 and 11 are objected but allowable if rewritten to incorporate the limitations of the base claim. In this instance, Applicant has amended Claims 1, 9, 16, and 17 to incorporate certain limitation from Claim 2. Specifically, Claims 1, 9, 16, and 17 have been amended to further require that the deteriorated data be rewritten in to the storage section as new original data. Tinker does not contain any disclosure or suggestion of rewriting deteriorated digital data as new original data. Rather, Tinker simply discloses an apparatus 85 having a randomizer 120 for randomizing image data provided from an image source 90. The randomized image data is never stored back into the image source 90 as new original data, but is rather transferred to another apparatus 95 that has a derandomizer for restoring the image data for reproduction. Accordingly, Applicant respectfully submits that amended Claims 1, 9, 16, and 17 are not anticipated by Tinker.

The Examiner rejected Claims 7 and 12 under 35 U.S.C. 103(a) as being unpatentable over Tinker in view of Imasaki et al. (U.S. patent no. 4,839,922). This rejection is respectfully traversed with respect to the amended claims.

Claims 7 and 12 depend from Claims 1 and 9, respectfully. As discussed above, Tinker does not contain any disclosure or suggestion of rewriting deteriorated digital data as new original data into a storage section. Imasaki fails to make up for the deficiency of Tinker. In particular, Imasaki is simply directed to scrambling and descrambling of CATV signals; it makes no mention of replacing original data with deteriorated digital data. Accordingly, Applicant respectfully submits that Claims 7 and 12 are not obvious in view of Tinker and Imasaki.

The Examiner rejected Claims 8 and 13 under 35 U.S.C. 103(a) as being unpatentable over Tinker in view of Bar-Zohar (U.S. patent no. 4,575,754). This rejection is respectfully traversed.

Claims 8 and 13 depend from Claims 1 and 9, respectfully. As discussed above, Tinker does not contain any disclosure or suggestion of rewriting deteriorated digital data as new original data into a storage section. Bar-Zohar fails to make up for the deficiency of Tinker. In particular, Bar-Zohar is simply directed to a video scrambler system; it makes no mention of replacing original data with deteriorated digital data. Accordingly, Applicant respectfully submits that Claims 8 and 13 are not obvious in view of Tinker and Bar-Zohar.

The Examiner rejected Claim 10 under 35 U.S.C. 103(a) as being unpatentable over Tinker in view of Srinivasan (U.S. patent no. 6,460,076). This rejection is respectfully traversed.

Claim 10 depend from Claim 9. As discussed above, Tinker does not contain any disclosure or suggestion of rewriting deteriorated digital data as new original data into a storage section. Srinivasan fails to make up for the deficiency of Tinker. In particular, Srinivasan discloses a

method for paying for and downloading data; it makes no mention of replacing original data with deteriorated digital data. Accordingly, Applicant respectfully submits that Claim 10 is not obvious in view of Tinker and Srinivasan.

The Examiner rejected Claims 14, 15, 18, and 19 under 35 U.S.C. 103(a) as being unpatentable over Tinker in view of Srinivasan. Claims 14, 15, 18, and 19 have all been amended to require storing the deteriorated data as new original data. As discussed immediately above, neither Tinker nor Srinivasan contain any disclosure or suggestion of replacing original digital data with deteriorated data. Accordingly, Applicant respectfully submits that Claims 14, 15, 18, and 19 are not obvious in view of Tinker and Srinivasan.

The Examiner rejected Claims 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Tinker in view of Fujinami (U.S. patent no. 6,697,566). This rejection is respectfully traversed with respect to the amended claims. Claims 20 and 21 have also been amended to include the limitation of storing deteriorated digital data as new original data. As discussed above, Tinker does not contain any disclosure or suggestion of this limitation. Fujinami also fails to make up for this deficiency. Fujinami is directed to a signal encoding and recording system, and does not discuss data deterioration. Accordingly, Applicant respectfully submits that Claims 20 and 21 are not obvious in view of Tinker and Fujinami.

The Examiner objected to Claims 2-6 and 11 as being dependent upon a rejected base claim, but indicated that the claims would be allowable is rewritten into independent format including the limitations of the base claims. Applicant has amended Claims 5, 6 and 11 by rewriting them into independent format including all of the limitations of the base claims. With respect to Claims 2-4,


all of which depend from amended Claim 1, they are respectfully submitted as in condition for allowance for the same reasons stated above with respect to amended Claim 1.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032016700.

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